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ROLE OF THE PRESS IN TRANSITION PERIOD IN INDONESIA

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"The press functions as a partner of the society in facing different changes. If the beginning of the New Order was full of hope, the present transitional period is full of question marks, but it contains anxiety as well. For our nation, today is full of different possibilities and is difficult to predict: as a nation, shall we remain integrated or smashed to pieces?" (Jacob Oetama)

On 21 May 1998, when the students occupied DPR/MPR (House of People's Representatives/People's Deliberative Assembly) building and President Soeharto declared his resignation, different expectations emerged that a change would come soon towards more advanced and democratic Indonesia. However, it remains a vain hope, because when President B.J. Habibie was replaced by President Abdurrahman Wahid, Indonesia was faced with many difficult problems politically, economically as well as socially, as an impact of the economic crisis that led to Soeharto's downfall. The Indonesian press that had a share in such a change also hoped that the long cherished freedom of the press would soon be realized. Despite some advances, the Indonesian press continues to be under a threat. If during the New Order rule the threat came from the (state) power, in the present era of transition such a threat comes from the society. What is precisely the position and role of the press in the transitional period under Abdurrahman Wahid government?

The history of the curb on the press in Indonesia goes back to the Dutch Indies colonial rule, which for the first time issued a regulation of license and daily censorship on press publication (Dutch language) in Batavia (Jakarta), Semarang and Surabaya in 1864. It was since that time that control on freedom of printed media in this country began. Although in Europe, the metropolitan country, the theory on authoritarian press had been replaced by liberal theory in the 17th century, but for colonial countries - where followers of authoritarian press held more power in the executive body - the theory of authoritarian press continued to prevail. The method developed from this theory was very effective in curbing freedom of the press and other mass media. The enforcement of publication license, censorship, curb on the press, code of enterprise and law of sedition or public libel became the curbing method on press freedom that derived from the theory on authoritarian press.

After Indonesia obtained independence on 17 August 1945, a new page of the press history began in this country. However, the new ruler did not automatically threw away different regulations restricting press freedom, it even made use of various regulations inherited from the Dutch colonialist for the sake of power interests. Some press regulations originally issued in the 19th century were maintained by the new government, among others *Regerings Reglemènt* (1854), *Drukpers Reglement* or the Press Law (1856), Penal Law of Mass Communication *(haatzaai delicten)* and the Curb Ordinance (1931), all of them containing provisions on measures to curb press freedom or similar measures *(haatzaai delicten)*.

In 1954 Law No. 23 was enacted to replace *Persbreidel Ordonantie* of 1931 and 1932. However, it did not mean that the Indonesian press was free from control and

pressure. The emergency situation (SOB) subsequently became a legal basis for the ruler to censor and to ban. In 1950s a number of newspapers were banned and the editors tried. The ban on "Tinjauan" (1954), "Bara" (1957) newspapers, and the trial against chief editors of "Tinjauan Masyarakat" daily in Surabaya (1951) and "Tekad" daily newspaper in Balikpapan (1953) were some of the examples of the victims of the restrictive old ordinance.

Towards 1965 the situation of the Press was increasingly tense. The acting President/ Supreme Commander, Djuanda, as the Supreme War Commander *(Peperti)* issued a *Peperti* regulation No. 10 Year 1960 banning the publication of wild newspapers or magazines (without prior license from the Ruler of the Emergency Law). In the form of application, the press had to sign 19 points that should be done, namely: (1) Observing guidelines that have been or is being issued by Peperti and other government agencies having authority over publications; (2) The press should become supporter and defender of the Political Manifesto of the Republic of Indonesia as a whole; (3) of the government programs; (4) of the Presidential Decree of 5 July 1959; (5) of the 1945 Constitution; (6) of Pancasila philosophy; (7) of Indonesian socialism; (8) of Guided Democracy; (9) of Guided Economy; (10) of Indonesia's national identity; (11) of the dignity of the Republic of Indonesia; (12) should become an instrument to do away with imperialism and colonialism, liberalism, federalism/separatism; (13) should become supporter/ defender and instrument of the implementation of free and active policy of the Republic of Indonesia, and should not become supporter/defender nor instrument of the inter-block cold war between foreign countries; (14) should become an instrument to nurture the Indonesian people's confidence in Pancasila philosophy; (15) in the Political Manifesto of

the Republic of Indonesia; (16) should help the efforts at the realization of public order and security and political peace; (17) should not carry articles, nor paintings/pictures that are sensational and harmful to the morale; (18) that are containing insult against the head of state or the head of foreign states that are friendly with the Republic of Indonesia; and (19) that are containing defense for organizations that were banned or dissolved by the Presidential Decision Number 7 year 1959 and the Presidential Regulation Number 13 Year 1960.

The birth of the New Order on 1 October 1965 did not mean the beginning offreedom of the press, on the contrary it resumed control on the press. This order under the leadership of Soeharto began this era by banning the press. Although until 1954 the Indonesian press was relatively critical, however after that time the national mass media was under the government control. Different methods were applied by the ruler to control and to bridle the press. This ranged from the difficulty of obtaining publication license, to the restriction about what could be carried and should not be written/published in mass media. An obvious example was the news coverage about East Timor, which was controlled by the government and the Armed Forces since the invasion of 1975 until that territory obtained its freedom in August 1999. According to a press expert, who is now Chairman of the Press Council, Atmakusumah, until the fall of Soeharto Indonesia enjoyed press freedom for only around 15 years. First, when the transfer of sovereignty from the Dutch to the Republic of Indonesia at the end of 1949 until 1957 (when a series of bans on the press began) and second, between 1966 and 1974 (when around 12 press publications were banned by the government). The national history also noted that SIT (publication license), ban and censorship in a wider sense have never been eliminated.

After the Peperti decision, Law on the Press no. 11 year 1966 was enacted that maintained SIT. Later Law number 8 year 1982, fostered by the Ordinance of the Minister of Information, gave birth to the institution of the License for Press Publication Companies (SIUPP). By such institution, control on the national press freedom was completed.

On 21 June 1994 three noted mass media in Jakarta, namely TEMPO and EDITOR magazines and DeTIK tabloid were banned by the government. In contrast with previous bans on mass media, the ban this time gave rise to reaction and resistance from the public. Journalists, NGO activists, artists and students united to oppose this quite unexpected ban. The ban, according to those who take part in demonstrations, was a denial to the public rights for information. Since the ban on those three media, the national press laid low by reducing its criticism on the government. The non-functioning of national press to maximum extent stimulated the emergence of alternative press published by NGO circles, students and independent journalists. This alternative press was published without any government license and its content clearly criticized and even opposed all increasingly more authoritarian policies. Amidst the declining national press, the alternative press - despite all its limitations - could be regarded as oases that offered relief to those who cherished freedom of the press.

Then came the global financial crisis - especially in Southeast Asia - by the middle of 1997, followed subsequently by economic crisis that hit some countries. Indonesia could not escape the crisis, she even suffered from it most severely and recovered from it most slowly. The fall of *rupiah* exchange rate against the US dollar to the lowest level in Indonesian history, led to the downfall of Soeharto who had ruled this

country for 32 long years. At this point the press began to show courage to take its position as controller of the ruling power, which was losing legitimacy of the people. President Habibie - ex Vice President who automatically replaced Soeharto - subsequently appointed Yunus Yosfiah, ex Commander of Kopassus (the army's elite corps) as the Minister of Information. The appointment of Yunus Yosfiah, who was strongly suspected to be one among the persons who were responsible for the death of five foreign journalists at Balibo, East Timor in 1975 during the Indonesian National Army's invasion on that territory, threw many political observers, including press observers, off-balance. During his short tenure as the Minister of Information, Yunus Yosfiah scored quite good performance, namely freeing the national press from SIUPP regulation. Since that time mass media have grown rapidly in number and tended to be freer along with the reform era. Establishing mass media at that time was as easy as establishing political parties, so that Indonesia was flooded with press publications and political parties. Furthermore, for their own interests, several political parties published their own media, such as Demokrat (PDI Struggle), Amanat (PAN), and Duta Masyarakat (PKB). National press together with other pro-democracy components, especially students, even took part in accelerating the fall of President Habibie, who was considered as the lengthening arm of Soeharto's regime.

Indonesian Press in Transition

President Abdurrahman Wahid is the first Indonesian president who was elected democratically. This NGO figure, intellectual, artist and at the same time Moslem scholar is, indeed, a controversial figure. He began his controversial measure by liquidating two

departments in the cabinet he formed. These liquidated departments were Department of Social Affairs and the Department of Information. According to Abdurrahman Wahid social and press problems are fully public problems in a democratic state, so that the government role is longer necessary. Besides, according to Gus Dur, the president's affectionate nickname, the press is an inseparable part of democracy and civil society. Therefore it should be freed from the government influence. The next question would be whether in that way the national press has been freed from threats?

Freedom of the press is one of the dimensions of human rights, namely human rights to form opinion freely. (Universal Declaration of Human Rights article 19 and the Convention of Civil and Political Rights article 19). The right to get information (the right to know) and the right to form and build ideas and opinion on the one hand, and the right to express one's opinion on the other hand (right to expression) are pillars for the establishment and the maintenance of human civilization. Press media and journalists are only two of so many implementing agencies for those rights. Therefore, any interruption against press freedom becomes the matter of all parties when the "right to know" and the "right to expression" of the public are hampered by power pressure. The damage resulting from the interruption of press freedom could be seen not only within the circle of a society, but furthermore it may be harmful from the civilization point of view. Actually, what should be watched and supported are not the press media and its journalists, but freedom of the press. Why? It is because the press and journalists may fall into a trap so that they become a part of the power 'crime'.

The enemies that threaten press freedom could be categorized as deriving from internal and external ones. The internal enemy consists of journalists and media managers

themselves, in the form of abuse of press media for the sake of their own pragmatic interests. Meanwhile the external enemy comprises (state and capital) power that pretend to use press media for their own interests, so that press media does not constitute a free forum for truth, but only an instrument to engineer the society. Besides, the enemy of press freedom at present and in the future comes from the public itself that feels dissatisfied with the content of mass media coverage. Social groups that usually constitute a community or an organization could resort to anarchy by inflicting damage to the building of a mass medium or forcing the editorial board to carry an article, or even threatening the medium concerned from appearing the following day. The most prominent example of this was the occupation of *"Jawa Pos"* daily in Surabaya, on Saturday, 6 May 2000, forcing the paper not to appear the next day.

The threat on press freedom from the masses was relatively new in the history of Indonesian press. This phenomenon can not be separated from the erroneous reform euphoria after more than three decades under pressure, where the community was easily enraged and resorted to anarchic action. Besides, actually the problem lies in the fact that Abdurrahman Wahid's government lacks the capability of law enforcement. Gus Dur's government has been so busy to consolidate its power so that it lacks attention to law enforcement, including press cases. It is not surprising that when freedom of the press has been obtained (seized) from the ruler, at the same time the press began to face menace from the public. However it may be, the present situation of the Indonesian press is better off than the previous era, because there is no longer ban on the press by and on behalf of the state. The following threat, namely mass anarchism, could be overcome when law would have been enforced in this country. Abdurrahman Wahid's government is a

transitional government towards democracy. In that period, everything could take place, because the system to be established has not been achieved. Excessive anxiety as shown by Jacob Oetama, cited at the beginning of this article, is not accurate. The public has not been familiar with something new, including the press freedom. In the end, the public will come to a phase where press freedom becomes an unconditional part of the democracy to be established. Harming the press freedom is, in essence, harming the democracy itself. Gus Dur has started it by eliminating the Department of Information that curbed national press, but Gus Dur has not been able to control the masses through law enforcement. It seems that we have to wait until the economic and political crisis in this country in transition will come to an end.***

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